

## Canaport LNG pleads guilty in bird kill case

Charges dropped against Irving, Repsol in case that saw 7,500 songbirds die after flying into flare

By Connell Smith, [CBC News](#) Posted: Nov 05, 2015 2:35 PM AT Last Updated: Nov 05, 2015 5:19 PM AT

Canaport LNG has pleaded guilty to federal charges under the Migratory Birds and Species at Risk Act in relation to the 2013 deaths of thousands of songbirds.

The birds were drawn to a 10-to-15 meter gas flare during a period of fog and low cloud.

- [7,500 songbirds killed at Canaport gas plant](#)
- [Gas plant in bird kill raided by Environment Canada](#)
- [Canaport LNG faces charges for bird kill](#)

An agreed statement of facts describes temperatures at the flare as approaching 1,000 C.

*'Foreseeable risk of serious environmental harm.'* - *Paul Adams, Crown prosecutor*

In a short court appearance today, charges were withdrawn against Irving Canaport GP Ltd. and Repsol Canada Ltd., two shareholders in Canaport LNG.

The company was then sentenced to fines and penalties totalling \$750,000. The money is to be directed to a variety of conservation, research and scholarship projects under the management of U.N.B., Nature Canada, Bird Studies Canada and the New Brunswick Museum.

Crown prosecutor Paul Adams told the court the company was aware there was "foreseeable risk of serious environmental harm" before the September, 2013 flare incident.

In the statement of facts agreed to by Canaport as part of the plea deal, it said a 2008 report commissioned by the company noted a "combination of nocturnal flaring and unsettled [foggy] weather conditions during peak migration periods created the potential for a significant bird mortality event."

*'We accept full responsibility.'* - *Pedro Boyra, Canaport LNG*

The statement of facts also said there had been a similar, though significantly smaller, incident two weeks before the major bird kill, when between 50 and 200 birds died. "Despite the known risk," said the document, "Canaport LNG failed to take all reasonable steps to minimize the risk."

An estimated 7,500 songbirds died overnight on Sept. 14 and 15, 2013, when they flew into, or near, the flare.

Twenty-six separate species of migratory birds died in the incident, including a large number of red-eyed vireos, several types of warblers, including parulas, black-and-white, magnolias and redstarts, as well as thrushes and rose-breasted grosbeaks.

Four of the birds were Canada Warblers, listed as a "threatened species."

As part of its sentence, the company will monitor bird migration forecasts on a weekly basis.

Shortly after the 2013 incidents Canaport LNG completed a \$45 million upgrade, which largely eliminated the use of flaring.

## Canaport 'regrets the harm'

Canaport LNG [issued a statement](#) following today's plea.

"Canaport LNG sincerely regrets the harm caused in this incident," Canaport LNG General Manager Pedro Boyra said in the statement.

"This has been a difficult and regrettable matter and we accept full responsibility. Since the incident more than two years ago, we have taken significant actions to prevent such an incident from reoccurring. It is constructive to have resolution in a manner that improves understanding of migratory bird populations and promotes conservation efforts."

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